

# SIDDHARTHA ART FOUNDATION & SIDDHARTHA ART GALLERY

## CODE OF CONDUCT & SEXUAL HARASSMENT POLICY

The Siddhartha Art Foundation (SAF) is a non-profit organization established in 2011 and registered with the Office of the Company Registrar, as well as with the Social Welfare Council. The Siddhartha Art Gallery (SAG) is a private firm registered under the Private Firm Registration Act, of 1957/58.

Both institutions are committed to creating a safe, respectful, and inclusive work environment free from harassment, discrimination, and violence, in alignment with international standards and the legal framework of Nepal. This code aligns with the articles of the Constitution of Nepal 2015 and the Sexual Harassment at Workplace (Prevention) Act, 2014. We uphold these principles across all our exhibitions, programs, residencies, and online events. We strictly prohibit sexual harassment or any form of unlawful harassment and are dedicated to addressing and resolving any related complaints effectively.

This Code of Conduct applies to everyone involved in SAG & SAF, including staff, consultants, collaborators, artists, and visitors. SAG & SAF prohibit discrimination, conduct, or harassment based on a person's origin, religion, race, caste, tribe, sex, physical condition, health status, marital status, pregnancy, economic condition, language, region, ideology, or any similar grounds. We reserve the right to take appropriate action to preserve the sanctity of the workplace. This code aligns with the rights provided by the Constitution for equality and social justice.

This Code of Conduct and Sexual Harassment Policy shall be reviewed and, if needed, amended every three (3) years, starting from the date of its initial approval: February 21, 2025.

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### **1. Respect and Inclusivity**

1.1. Treat all individuals with respect, dignity, and courtesy, regardless of their gender, age, caste, ethnicity, sexual orientation, religion, disability, or any other characteristic.

1.2. Support and promote an inclusive and welcoming environment for people of diverse backgrounds and those with disabilities, ensuring SAG & SAF spaces are inclusive and free from harassment, discrimination, and bullying.

1.3. Respect the cultural, ecological, and historical significance of Nepal while fostering understanding and collaboration across diverse communities. 1.4. All individuals are treated equally in the organization.

We do not tolerate discrimination based on age, gender, race, religion, sexual orientation, political beliefs, citizenship, marital status, family status, disability, or any additional ground protected by law. This commitment applies to all interactions with individuals doing business with the organization, including recruitment,

investment, divestiture, promotion, training, transfer, discipline, termination, compensation, benefits, and participation in all activities, events, and programs sponsored by the organization.

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## **2. Professionalism**

- 2.1. Conduct yourself with integrity, honesty, and accountability in all professional dealings.
  - 2.2. Uphold high standards of communication—both verbal and written—ensuring clarity, respect, and accuracy.
  - 2.3. Be punctual, reliable, and proactive in fulfilling your assigned responsibilities and commitments.
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## **3. Collaboration and Teamwork**

- 3.1. Work cooperatively and respectfully with colleagues, artists, curators, partners, and stakeholders to achieve shared goals.
  - 3.2. Be open to constructive feedback and demonstrate a willingness to learn and adapt.
  - 3.3. Recognize and respect the contributions of others, valuing different perspectives and expertise.
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## **4. Ethical Practices**

- 4.1. Avoid conflicts of interest and disclose any relationships or situations that might compromise the integrity of your work.
  - 4.2. Use SAG & SAF resources responsibly and for authorized purposes only.
  - 4.3. Maintain the confidentiality of sensitive information related to SAG & SAF, its projects, and its stakeholders.
  - 4.4. Ensure all work associated with SAG & SAF is original, properly credited, and free from plagiarism.
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## **5. Health, Safety, and Accessibility**

- 5.1. Prioritize the health and safety of yourself, your colleagues, and visitors.
- 5.2. Ensure that all SAG & SAF activities, venues, and programs are as accessible as possible, accommodating the

needs of individuals with disabilities or special requirements.

5.3. Report any hazardous situations, unsafe practices, or accessibility barriers promptly.

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## **6. Commitment to Sustainability**

6.1. Align with SAG & SAF's commitment to environmental sustainability by minimizing waste, conserving resources, and making eco-conscious choices in your work.

6.2. Support SAG & SAF's efforts to highlight the interconnection between cultural and ecological sustainability.

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## **7. Compliance with Local Laws and Regulations**

7.1. Abide by all local laws, customs, and regulations while representing SAG & SAF in Nepal and abroad.

7.2. Ensure all activities and projects associated with SAG & SAF are conducted ethically and lawfully.

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## **8. Workplace & Sexual Harassment Policy**

### **8.1. Defining Harassment**

8.1.1 Sexual Harassment, as defined in this Code of Conduct, includes but is not limited to the following:

- Unwelcome behavior such as advances, verbal abuse, intimidation, or inappropriate physical contact, as outlined in the Sexual Harassment at Workplace (Prevention) Act, 2014.
- Quid pro quo harassment, where professional benefits (such as job promotions, collaborations, or opportunities) are contingent upon engaging in unwanted sexual behavior.
- Verbal comments or offensive remarks based on gender, gender identity and expression, sexual orientation, disability, physical appearance, body size, race, age, marital status, or religion.
- Deliberate acts of intimidation, stalking, or following.
- Unauthorized photography or recordings.
- Persistent disruption of events, talks, or programs.
- Inappropriate physical contact or unwelcome sexual advances.
- Requests for sexual favors or any behavior that creates a hostile environment.

The absence of explicit objection does not imply consent. Even a single incident of inappropriate behavior may constitute harassment. Intent is not a defense—behavior can still be classified as harassment even if it was unintended, accepted by others, or historically normalized in similar settings.

8.1.2 Workplace Harassment, as defined in this Code of Conduct, includes but is not limited to the following:

Workplace harassment is defined as unwelcome conduct or comments, either directly against an individual in the workplace or made in a general manner that contributes to an environment that is hostile or lacking respect or dignity. Examples of workplace harassment include:

- Insulting, intimidating, demeaning, annoying, embarrassing, or otherwise offensive behavior.
- Inappropriate or unwelcome focus or comments on a person's physical characteristics or appearance.
- Bullying and cyberbullying.
- Isolation and shunning, gossip, rumors, negative blogging, insults, name-calling.
- Slamming doors, throwing objects, and physical contact.
- Any other harassment that affects an individual's dignity or psychological or physical integrity.

## 8.2. Prohibited Conduct

The following acts are strictly prohibited at SAG & SAF:

- Asking for sexual favors in exchange for work-related benefits.
- Spreading rumors about a person's sexual activities or orientation.
- Retaliating against individuals who report harassment.
- Sending sexually explicit messages, whether in person or online.
- Invading a person's personal space without their consent.
- Using power dynamics to coerce someone into uncomfortable situations.
- Plagiarism, misrepresentation, or any act of intellectual dishonesty that undermines the integrity of SAG & SAF.
- Abuse of power, including any coercive, exploitative, or retaliatory behavior that affects the work environment or SAG & SAF's reputation.
- Any other form of misconduct, including but not limited to fraud, criminal activity, or unethical behavior, that may damage the reputation, operations, or mission of SAG & SAF.

Any violation of this policy may result in immediate disciplinary action, including termination of employment or legal prosecution. All decisions regarding investigations, suspensions, or terminations shall be made in accordance with the applicable laws.

## 8.3. Enforcement

All SAG & SAF staff are required to adhere to this Sexual Harassment Policy. Violations may result in disciplinary action, including suspension or termination of employment or collaboration. Visitors or collaborators who breach this policy may be removed from the event, exhibition, or program at SAG & SAF's discretion. Anyone asked to stop harassing behaviour must comply immediately.

SAG & SAF reserves the right to take actions necessary to prevent disruptions or to ensure a harassment-free environment for all participants. Our team is available to provide assistance and ensure that everyone feels safe and respected during SAG & SAF events and activities.

## 8.4. Reporting Harassment

### 8.4.1. How to Report Reports can be made in the following ways:

- **Direct Reporting:** Contact our designated Focal Person at [sag.grievances@gmail.com](mailto:sag.grievances@gmail.com) or +977 9840032133. Reporting via phone call or message will be available during our operating hours, Sunday to Friday, from 11 AM to 5 PM.
- **Anonymous Reporting:** Anonymous complaints can be submitted via a [secure online form](#) or a physical drop-box available at Siddhartha Art Gallery, Babarmahal, Kathmandu.
- While anonymous reports will be investigated, providing contact details can help ensure a thorough resolution.
- **Immediate Assistance:** If you are in distress or require immediate assistance during an event, our team is available to provide support to ensure your safety and well-being. This may include escorting you to a safe location, facilitating a temporary break from the event, and providing you with contact information for legal professionals and mental health practitioners.

All complaints will be handled confidentially, and information will only be shared on a need-to-know basis to protect the complainant's privacy.

## 8.5. Investigation and Resolution

Once a report is received, SAG & SAF will promptly initiate a formal investigation process as per Section 5 of the Sexual Harassment at Workplace (Prevention) Act, 2014. The Focal Person will conduct a preliminary inquiry to assess the situation. If necessary, the matter will be escalated to the Workplace Behavior Committee (WBC) for further review. All investigations will be conducted with utmost sensitivity and confidentiality, with information disclosed only on a need-to-know basis to ensure a fair and thorough process.

If the investigation determines that there has been a violation of this Code of Conduct, SAG & SAF will take appropriate corrective measures. These may include, but are not limited to:

- Disciplinary action against the offender, up to and including suspension or termination of employment or collaboration.
- Removal of the accused from SAG & SAF events, programs, or spaces.
- Reporting the incident to law enforcement authorities, if necessary.

In cases of serious violations, SAG & SAF will escalate the matter to the relevant authorities in accordance with the laws of the Government of Nepal. This ensures that the case is handled with due legal process and that justice is served in compliance with national regulations.

Please note that the complainant has the right to file a legal case independently with the CDO office, Nepal Police, or the National Women's Commission.

## **8.6 Appointment of Focal Person and SAG & SAF Workplace Offenses Committee (WBC)**

### **8.6.1 Appointment of Focal Person**

1. The Focal Person must be an employee or an internal member of SAG & SAF.
2. The Focal Person shall be identified and appointed by the Board of Directors of SAF, recommended by the Director of SAF.
3. SAG & SAF shall facilitate training for the Focal Person with a qualified lawyer before they commence their duties to ensure they are equipped to handle complaints in accordance with legal and ethical standards.
4. The Focal Person shall be provided with a formal Terms of Reference (ToR) outlining their roles, responsibilities, and scope of authority in handling workplace offences.
5. The Focal Person shall be required to sign a **Confidentiality Agreement**, ensuring the protection of the complainant's identity, the integrity of the evidence, and the privacy of all individuals involved in the investigation. Any breach of confidentiality may result in disciplinary or legal action.
6. The Focal Person shall conduct their duties impartially, with due diligence, and in compliance with all applicable laws, policies, and ethical guidelines.
7. In recognition of their responsibilities, the Focal Person shall be provided with appreciation pay or an honorarium, the terms of which shall be determined by SAG & SAF.
8. If it is established that the Focal Person has a pre-existing relationship with either the complainant or the accused, senior management shall reassign the case to another individual to ensure fairness and prevent any conflict of interest.

### **8.6.2 Appointment of SAG & SAF Workplace Behavior Committee (WBC)**

1. The WBC shall be composed of three (3) members:
    - Two (2) internal representatives from SAG and/or SAF.
    - One (1) external professional with legal knowledge and expertise in handling sensitive issues such as sexual harassment.
  2. The WBC shall have a minimum of two (2) women members.
  3. WBC members shall be appointed by the Board of Directors of SAF, recommended by the Director of SAF.
  4. Upon appointment, all WBC members shall receive formal training from a qualified lawyer.
  5. Members shall be provided with appreciation pay or an honorarium, as determined by SAG & SAF, or may choose to serve pro bono.
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## **9. Accountability**

9.1. Adhere to this Code of Conduct at all times. Violations may result in disciplinary action, including suspension or termination of your association with SAG & SAF.

9.2. Report any observed violations of this Code of Conduct to the SAG & SAF management team or designated Focal Person.

## **10. Acknowledgment**

10.1. SAG & SAF is deeply committed to creating an environment where everyone—artists, staff, collaborators, and visitors—can engage in our programs without fear of harassment or harm. This Code of Conduct exists not to restrict but to protect and uplift all participants.

10.2. By working with or on behalf of SAG & SAF, you agree to uphold this Code of Conduct and contribute to a positive, inclusive, and inspiring experience for all.